

## **REMARKS**

Claims 1-29 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, claims 2-7 have been amended, and are presented with markings indicating their current amendments, and claims 1, 8 and 22-29 have been cancelled, without prejudice to further prosecution.

### **Terminal Disclaimer**

In paragraphs 1 and 2 of the Office Action the Examiner rejects claims 9-15 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 8-12 of U.S. patent 6,782,048. In response, Applicant submits a terminal disclaimer and the fee under 37 CFR 1.20(d).

### **1<sup>st</sup> Rejection Under 35 U.S.C. § 102**

In paragraphs 3 and 4 of the Office Action pending claims 1-8 and 22-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,677,927 (“Fullerton”). As discussed below, Applicant respectfully traverses this rejection.

Claims 1, 8 and 22-29 have been cancelled, thus the rejection of these claims is now moot. Dependent claims 2-7 have been amended to now depend from independent claim 9, the traverse of which is discussed below. And because claims 2-7 depend from independent claim 9 it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency from claim 9. M.P.E.P. § 2143.03.

## 2<sup>nd</sup> Rejection Under 35 U.S.C. § 102

In paragraph 5 of the Office Action pending claims 9-10 and 15-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 7,013,145 (“Centore”). As discussed below, Applicant respectfully traverses this rejection.

### A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that claim 9 has elements that cannot be found, either expressly or inherently, in Centore. Claim 9 reads as follows:

A method of transmitting data **through** a community access television network, the method comprising the steps of:

providing the community access television network; and  
transmitting an ultra-wideband signal **through** the community access television network.

In an effort to establish an unambiguous prosecution history, Applicant uses the word “through” in claim 9 to mean “within.” For example, an ultra-wideband (UWB) signal is sent “through” the community access television network, by using at least part of the community access television network infrastructure, which may include the “head-end,” or the “set-top-box,” or other components.

In contrast, Centore teaches “The concepts involved in the present invention relate to techniques for mitigating interference between **wireless mobile communications** and concurrent operations of broadcast television services on the same or adjacent frequency bands and, more particularly, to **controlling mobile communications equipment** according to a broadcast television signal” (Field of the Invention). This is accomplished by using “existing components

of the video signal, as transmitted, as timing references for keying the transmission and/or reception of concurrent users (*i.e.*, wireless mobile devices) on and off and/or for power- and sensitivity-control decisions” (4:60-63). Put differently, Centore teaches controlling the transmission time, power or sensitivity of cell phones or other wireless devices to avoid interference with “concurrent operations of broadcast television services.”

**Centore does not teach using at least part of a community access television network to also carry ultra-wideband signals, as recited in Applicant’s independent claim 9.** Instead, he teaches **mitigating interference between two independent infrastructures**, as illustrated in FIG. 3: a wireless mobile communications infrastructure (concurrent RF spectrum user 21); and a broadcast television infrastructure (television broadcast transmitter and antenna 11).

Accordingly, Applicant respectfully submits that Centore cannot anticipate originally filed claims 9-10 and 15-21.

### **Rejection Under 35 U.S.C. § 103**

In paragraphs 6 and 7 of the Office Action, claims 11-14 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Centore in view of Fullerton.

Claims 11-14 depend from and further limit independent claim 9, which has been distinguished from Centore above. In view of the above discussion, Applicant respectfully submits that the Section 103 rejection of dependent claims 11-14 has been traversed because they depend from claim 9. M.P.E.P. § 2143.03.

### Conclusion

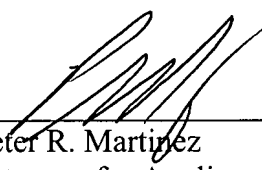
Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 2-7 and 9-21 at an early date is solicited. Enclosed with this response is the fee for a Petition for a three-month extension of time, and the terminal disclaimer. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date



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Peter R. Martinez  
Attorney for Applicant(s)  
Reg. No. 42,845

c/o PULSE-LINK, INC.  
1969 Kellogg Avenue  
Carlsbad, California 92008  
Telephone No.: (760) 607-0844